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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 SHEPARD JOHNSON,

11 Plaintiff,

No. CIV S-10-1968 GEB GGH PS

12 vs.

13 CHESTER MITCHELL, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 Plaintiff has filed a motion for extension of time to respond to three motions to  
17 dismiss and to serve defendant Parsons with process by publication. The record indicates that  
18 there is only one motion to dismiss currently scheduled for hearing on April 19, 2012.<sup>1</sup>  
19 Defendant Parsons filed a motion to dismiss on March 29, 2012, which has not been noticed for  
20 hearing. In that motion, defendant Parsons has waived formal service of process.

21 Plaintiff's request will cause this two year old action, which has still not  
22 progressed beyond the pleading stages, to be delayed even further. While plaintiff should be  
23 afforded a reasonable opportunity to litigate his claims, defendants have rights also, including the

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25 <sup>1</sup>Other motions to dismiss may have been filed, but were not set for hearing. Those  
26 defendants who desire to have motions to dismiss heard must file a notice of motion which sets  
the matter on the court's calendar.

1 right not to be engaged in a lawsuit for an interminable length of time. Furthermore, plaintiff  
2 must have known of his impending shoulder surgery in advance of its occurrence, and could have  
3 planned accordingly.

4 Accordingly, IT IS HEREBY ORDERED that: Plaintiff's March 27, 2012 motion  
5 for an extension of time, (dkt. no.180), is denied.

6 DATED: March 30, 2012

7 /s/ Gregory G. Hollows  
8 UNITED STATES MAGISTRATE JUDGE

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